

~~SECRET//NOFORN~~

DRAFT

REGULATIONS ESTABLISHING

MINIMUM STANDARDS

for the

H A N D L I N G A N D T R A N S M I S S I O N

of

C L A S S I F I E D I N F O R M A T I O N

In Executive Departments and Agencies

of the

Federal Government

PURPOSE

These regulations are concerned with the safeguarding of official information, the unauthorized disclosure of which might impair or harm the security of the nation. Official information is of varying degrees of value to foreign governments and therefore requires corresponding degrees of protection. Official matter must be examined and evaluated, and if protection is required, graded in accordance with the degree of protection necessary for its security.

It is therefore necessary, to establish uniformity throughout the various executive departments and agencies, to provide minimum standards which will enable officers and employees (1) appropriately and uniformly to classify information according to the degree of protection which it requires, (2) to accord proper and uniform protection to all classified information, and (3) expeditiously to change the classification assigned to information whenever conditions are such that a different degree of protection is required. It is the purpose of those regulations to prescribe minimum standards for disseminating, handling, storing, transmitting, classifying, declassifying, upgrading and downgrading information in the possession of the executive departments and agencies of the United States, in order that these three objectives may be achieved.

However, nothing in these regulations shall be construed to authorize the dissemination, release, handling or transmission of any classified information contrary to the provisions of any law, executive order or Presidential directive which restricts the dissemination, release, handling or transmission of such information.

SECTION I--DEFINITIONS

~~ESTABLISHED~~

3. MATERIAL - The term "material" as used herein means any document, product or substance on or in which information may be recorded or embodied.

4. DOCUMENT - The term "document" as used herein means any recorded information regardless of its physical form or characteristics, and includes but is not limited to the following: (1) written material whether handwritten, printed, or typed; (2) all painted, drawn or engraved material; (3) all sound or voice recordings; (4) all printed photographs and exposed or printed film, still or moving; and (5) all reproductions of the foregoing by whatever process.

5. PRODUCT AND SUBSTANCE - The terms "product" and "substance" as used herein mean any item of material (other than documents) from which information may be obtained; apply to items in all stages of development, processing or construction; and include elements, ingredients, components, accessories, fixtures, dies, models and mock-ups associated with such items.

6. CLASSIFIED INFORMATION - The term "classified information" as used herein means official information, the safeguarding of which is necessary in the interest of national security. Classified information may be "Top Secret", "Secret", "Confidential" or "Restricted", depending upon the degree of protection necessary for its safeguarding.

7. TOP SECRET - Information and material, the security aspect of which is paramount and the unauthorized disclosure of which would cause exceptionally grave damage to the nation.

8. SECRET - Information and material the unauthorized disclosure of which would endanger national security, or might cause serious injury to the interest or prestige of the nation,

10. RESTRICTED - Information and material which requires security protection other than that determined to be "Top Secret", "Secret", or "Confidential". The term "Restricted" as used herein is not to be confused with the term "Restricted Data" as defined in Sec. 10(b)(1) of the Atomic Energy Act of August 1, 1946, c.724, 60 Stat. 766; 42 USC Sec. 1810(b)(1). The Atomic Energy Act defines "Restricted Data" as follows:

"The term 'Restricted Data' as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security."

11. UNCLASSIFIED INFORMATION - The term "unclassified information" as used herein means information requiring no security protection and therefore not included in one of the aforementioned classifications.

12. CRYPTOGRAPHIC SYSTEM - The term "cryptographic system" as used herein means any document, product or method employed to change information from plain language form to unintelligible form or to change the resulting cryptographed information into plain language form.

13. REGISTERED MATTER - Registered matter is that to which a register number is assigned and which is accounted for at prescribed intervals and upon specified occasions. Registered matter should not be confused with registered mail.

14. TELEGRAM - The term "telegram" as used herein means any document recording information for transmission by telegraph, telephone, cable, radio or other electrical means of transmission.

17. DECLASSIFY - To remove the security classification.

18. DOWNGRADE - To assign a lower classification than that previously assigned.

19. UPGRADE - To assign a higher classification than that previously assigned.

20. APPROPRIATE CLASSIFYING AUTHORITY

A. In General. The term "appropriate classifying authority" as used herein means the head of the originating agency and those he has authorized to classify, declassify, upgrade or downgrade information.

B. Material Officially Transferred from Originating Agency to Another Agency. In the case of material transferred, by operation of law or by Executive Order, from one agency to another for the latter's use and as part of its official files as distinguished from transfers merely for purposes of storage, the receiving agency shall be deemed to be the "appropriate classifying authority" for all purposes under these regulations.

C. Material of Defunct Agency Not Officially Transferred to Another Agency. When any agency has in its possession, on the effective date of these regulations, any material which is then, or thereafter becomes, five years old and it appears (1) that such material originated in an agency which has since become defunct and whose records, files and other material have not been officially transferred to another agency within the meaning of subsection "B" above, or (2) that it is impossible for the possessing agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing agency shall have power under these regulations to declassify or downgrade such material. If it appears probable that such

agency of the nature of the material and of its intention to declassify or downgrade the same. During the thirty-day period the other agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing agency.

21. MARKING - The term "marking" as used herein means the physical act of indicating on classified material the assigned classification or change therein.

22. RECORD MATERIAL - The term "record material" as used herein means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriated for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, operations, decisions, procedures, or other activities of any agency of the Government, or because of the informational value of the data contained therein.

23. NON-RECORD MATERIAL - The term "non-record material" as used herein means extra copies and duplicates the use for which is essentially temporary; short-hand notes, used carbon paper; preliminary drafts; and other material of similar nature.

24. RECORD COPY - The term "record copy" as used herein means the original incoming document received by any agency or the official permanent file copy of any document prepared within the agency and designated as the record copy by the agency concerned.

SECTION II -- RESPONSIBILITIES

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B. Each individual in the executive branch is directly responsible for familiarizing himself with and adhering to all regulations applicable to him which are issued to govern the security of information.

26. AUTHORITY FOR HEADS OF AGENCIES TO DELEGATE - The head of an agency may delegate the performance of any or all of the functions charged to him herein, but the ultimate responsibility for the safeguarding of classified information within the agency remains with and rests upon the head of the agency, including:

A. Such additional instructions on the safeguarding of classified information as requirements of his agency may dictate.

B. Security of his agency's messenger-courier systems for transmission of classified material.

C. Authorization of appropriate officials within his agency to classify information. Authorizations to classify information as "Top Secret" or "Secret" must be held to the minimum necessary for the performance of required activities, and must be maintained at a high level within the agency. The authorizations to classify information as "Top Secret" should be substantially more limited in number than those for "Secret" and must be restricted to those officials whose functional requirements are such that they must have that authority.

D. Designation of those authorized to receive "Top Secret" material.

E. Designation of officials responsible for "Top Secret" control.

I. Procedures governing dissemination of classified information outside his agency.

J. Procedures governing changes in classification and the destruction of classified material,

K. Thorough indoctrination of all individuals of his agency in security regulations and procedures.

L. Issuance of additional instructions pertaining to communications security, registered matter, Restricted Data and other subjects requiring additional regulations.

SECTION III

RULES GOVERNING CLASSIFICATION, UPGRADING,

DOWNGRADING, AND DECLASSIFICATION

27. GENERAL CLASSIFICATION PRINCIPLES

A. Uniformity of application of classification is a requirement for the proper safeguarding of classified information. Lack of uniformity will cause inconsistencies in the handling of such information and a consequent loss of security.

In the interest of preserving the integrity of the security classifications "Top Secret", "Secret", "Confidential" and "Restricted" and to avoid confusion, these terms should not be used alone or in combination with other words for the purpose of limiting the dissemination of information other than in the interest of national security.

B. Use of Lowest Consistent Classification. Information shall be assigned the lowest classification consistent with its proper protection. Overclassification causes unnecessary expense and causes unnecessary

28. SPECIAL CLASSIFICATION RULES

A. Change in Classification of Information. No change may be made in the assigned classification of information without the consent of appropriate classifying authority; extracts from or paraphrases of classified documents must likewise be maintained in the assigned classification unless the consent of appropriate classifying authority to downgrade or declassify such extract or paraphrase is secured or unless the agency making such extracts knows positively that they bear a classification lower than that of the document from which extracted or that they are not classified.

B. Classified Telegrams may be referred to, extracted from, paraphrased, downgraded, declassified and disseminated only in accordance with special regulations issued by the head of the originating agency.

Classified telegrams are transmitted over cryptographic systems and must be handled in accordance with the regulations of the transmitting agency.

C. Information Originated by a Foreign Government.

Information of a classified nature originated by a foreign government and furnished to the United States by that government shall be placed in a classification category which will assure a degree of protection equivalent to or greater than that required by the originating government.

D. Documents in General. Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified information should not be classified.

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F. Multiple Classifications. A document, product, or substance will bear a classification at least as high as that of its highest classified components. Pages, paragraphs, sections, or components may bear different classifications, but the document, product or substance will bear only one overall classification.

G. A Letter of Transmittal shall be classified at least as high as its highest classified enclosure.

29. UPGRADING

A. When information is upgraded, the appropriate classifying authority shall so notify all addressees to whom the information was originally transmitted.

B. If the recipient of information believes that its assigned classification is not sufficiently protective, he shall safeguard it in accordance with the classification he deems appropriate and shall bring his reasons for such belief to the attention of appropriate classifying authority with a request for upgrading.

30. DOWNGRADING AND DECLASSIFICATION

A. Automatic. Wherever practicable, the classifying official will place a notation on classified material, except telegrams, that after a specified event or date, or upon removal of classified enclosures the material will be downgraded or declassified.

B. Non-automatic. Appropriate classifying authority may downgrade or declassify information when circumstances no longer warrant its retention in its original classification. When material is downgraded or declassified the custodian of the record ^{material} copy, in the case of a document, or the custodian of the products or substances shall be so informed; and, when practicable, the other recipients of the material shall be similarly advised.

SECTION IV

DISSEMINATION OF CLASSIFIED INFORMATION

31. GENERAL - No person is entitled solely by virtue of his office or position to knowledge or possession of classified information.

The safeguarding of classified information is the responsibility of every individual into whose possession it comes.

Care must be exercised at all times not only to refrain from discussing classified information with or in the presence of unauthorized persons, but also to prevent inspection of or access to classified information by unauthorized persons.

The head of each agency should provide a system for the control of the dissemination of classified information adequate to the needs of his agency.

32. LIMITATIONS ON DISSEMINATION

A. Within the Executive Branch. The dissemination of classified information shall be limited to persons whose official duties require knowledge of such information. Special measures shall be employed to limit the dissemination of "Top Secret" information to the absolute minimum. Only that portion of "Top Secret" information necessary to the proper planning and appropriate action of any organizational unit or individual will be released to such unit or individual.

B. Outside the Executive Branch. Classified information shall not be disseminated outside the executive branch by any person or agency having access thereto or knowledge thereof except under conditions and through channels authorized by the head of the disseminating agency, even though such person or agency may have been solely or partly responsible.

C. Information Originating in Another Agency. Except as otherwise provided by Section 102 of the National Security Act of July 26, 1947, c.343, 61 Stat. 498, as amended, 50 U.S.C. Sec. 403,* classified information originating in another agency shall not be disseminated outside the receiving agency without the consent of the originating agency.

"Top Secret" and "Secret" documents and other material originating in another agency shall not be reproduced without the consent of the originating agency.

D. Telephone Conversations. Classified information shall not be revealed over the telephone. However, the head of an agency may permit the practice, within his agency, of discussing information classified as "Restricted" and originated within his own agency.

33. LOSS OR SUBJECTION TO COMPROMISE. Any person in the executive branch who may have knowledge of the loss or possible subjection to compromise of classified information shall promptly report the circumstances to a designated official of his agency who will take appropriate action, including advice to the originating office or agency.

* This section creates the Central Intelligence Agency. Its pertinent portions are subsections (d) and (e). Subsection (d) in substance empowers the Central Intelligence Agency (1) to advise the National Security Council concerning the intelligence activities of government agencies relating to national security, (2) to make recommendations to the NSC for the coordination of such activities, (3) to correlate and evaluate intelligence relating to the national security and provide for the appropriate dissemination thereof within the government, (4) to perform for the benefit of existing intelligence agencies such additional services of common concern as the NSC determines can be more efficiently accomplished centrally, and (5) to perform such other functions related to intelligence affecting the national security as the Approved for Release 2001/09/07 : CIA-RDP78-04007A001100040046-6 provides in substance that, to the extent recommended by the NSC and approved by the President, such intelligence of the government agencies shall be open to the inspection of the

SECTION V

RULES GOVERNING HANDLING OF CLASSIFIED MATERIAL
(Including Marking, Transmission, Storage,
and Destruction)

34. MARKING - After determination of the classification to be assigned, classified material shall be marked in accordance with the procedures set forth below. Existing "Top Secret" or "Secret" material not now so marked shall be appropriately marked. Existing "Confidential" or "Restricted" material, adequately stored but not properly marked, need not be marked until removed from such storage for use.

A. Documents

(1) Bound Documents. The assigned classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(2) Unbound Documents. The assigned classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(3) Charts, Maps, and Drawings. Classified charts, maps, and drawings shall carry the classification marking under the legend Approved For Release 2001/09/07 : CIA-RDP78-04007A001100040046-6 produced on all copies made therefrom. The classification will also be marked

B. Products or Substances. The assigned classification shall be conspicuously marked on classified products or substances, if possible; on their containers, if possible; or, if the article or container cannot be marked, written notification of the assigned classification shall be furnished to recipients thereof.

C. Additional Markings.

(1) Material Furnished Persons not in Federal Service. When classified material which contains information affecting the national defense is furnished authorized persons other than those in the Federal Service, the following notation, in addition to the assigned classification marking shall whenever practicable be placed on the material, on its container or on the written notification of its assigned classification:

"This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."

35. TRANSMISSION

A. Preparation of Classified Information for Transmission.

(1) Outside an Agency.

(a) Top Secret and Secret Material

(i) "Top Secret" or "Secret" material shall be enclosed in opaque inner and outer covers.

(ii) The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address.

(iii) The outer cover shall be sealed

(v) Written material will be protected from direct contact with the inner cover by a cover sheet or by folding inward.

(b) Confidential Material

(i) "Confidential" material shall be prepared for transmission in the same manner as that indicated for "Top Secret" and "Secret" material, except that it will be covered by a receipt only when the sender deems it necessary.

(c) Restricted Material

(i) Restricted material shall be transmitted in a sealed wrapper or envelope without any indication of the classification of the contents shown thereon.

(ii) No receipt is required for Restricted material.

(2) Within an Agency. Preparation of classified information for transmission within an agency will be governed by regulations issued by the head of the agency to insure a degree of security equivalent to that outlined above for transmission outside an agency.

B. Transmission of Classified Material.

(1) Top Secret Material

(a) The head of each agency shall designate Top Secret Control Officers who will receive, maintain registers of, and dispatch all "Top Secret" material.

(b) The transmission of "Top Secret" information will be effected preferably by direct contact of officials concerned, and alternatively by specifically designated personnel, by State Department Diplomatic Pouch, by a messenger-courier system

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(d) Under no circumstances will "Top Secret" material be transmitted by mail or by persons not cleared for access to "Top Secret" material.

(2) Secret Material shall be delivered within the continental United States by one of the means established for "Top Secret" material, by an authorized courier or by United States registered mail. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by State Department diplomatic pouch, commanders or masters of vessels of United States registry, or by U.S. Post Office registered mail through Army, Navy or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign

(3) It is mandatory that transmission and custody of "Secret" material be covered by a receipt system.

(3) Confidential Material shall be delivered within the United States by one of the means established for higher classifications, by authorized courier, or by ordinary mail. Outside the continental United States, "Confidential" material will be transmitted in the same manner as authorized for higher classifications.

(4) Restricted Material shall be delivered within the continental United States by any means authorized for higher classifications or by ordinary mail, express or freight. "Restricted" material shall be delivered outside the continental United States by one of the means established for higher classifications. However,

registration of "Restricted" material is required.

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by Army, Navy or Air Force postal channels.

(1) Top Secret Material will be stored in the most secure facilities available. Such matter normally will be stored in a safe, steel file cabinet, or other steel container having a three position dial-type combination lock and of such weight, size, construction, or installation as to minimize possibility of physical theft or damage by fire or tampering. In lieu of such a container, the matter may be stored in a secure room or vault which is approved for such use by the head of the agency and which is securely locked when not in use. Such approval shall not be construed to relieve the custodian of any responsibility for the safety of the classified matter. If the foregoing safeguards are not available, matter so classified shall be kept under surveillance of an armed guard when not in use.

(2) Secret and Confidential Material will be stored in a manner authorized for "Top Secret" material, or in metal file cabinets equipped with a steel lockbar and approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated or in comparably secure facilities approved by the head of the agency.

(3) Restricted Material may be stored in a manner authorized for higher categories of classified material, but ordinarily will be stored in a container equipped with a reasonably secure locking device or other storage facility of comparable security approved by the head of the agency.

B. Inspections

(1) It is the responsibility of the individuals charged with the custody of classified material to accomplish the necessary inspections within his area to insure that all security precautions are taken to protect such information at all times.

C. Safe Combinations

(1) Safe combinations will be changed at least once a year; whenever a person knowing the combination is transferred from the office to which the safe is assigned; when a safe is first brought into an office; when the combination has been subjected to compromise and at such other times as deemed necessary.

(2) Knowledge of combinations should be limited to the minimum necessary for operating purposes.

(3) Safe combinations shall be given a classification equivalent to that of the most highly classified material authorized by these regulations to be contained in the safe.

37. DESTRUCTION OF CLASSIFIED MATERIAL

A. Types of Material Which May Be Destroyed

(1) Record Material may be destroyed only in accordance with the Act of July 7, 1943, as amended, 44 USC Secs. 366-380.

(2) Non-Record Material may be destroyed as soon as it has served its purpose.

B. Methods of Destruction. Classified record material, the destruction of which has been authorized, and classified non-record material will be destroyed by the following methods under procedures established by the head of the agency.

(1) Top Secret, Secret and Confidential Documents will be destroyed by burning; products and substances by an equally complete method of destruction; in each case in the presence of an appropriate official. Under the most unusual circumstances the head of an agency may authorize destruction of documents other than by burning, provided the resulting destruction is equally complete.

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burning, shredding or reduction to pulp, or an equally complete method